

REMARKS

The present amendment is filed in response to the Office Action dated June 24, 2009. Claims 1, 2, 3, 6, 8, 12-17, 35, 38-44, 46 and 47 are amended. Claim 62 is new. Claims 7, 9, and 21-34 were previously canceled. Therefore, claims 1-6, 8, 10-20 and 35-62 are pending in the present application. Of these claims, claims 51-61 have been withdrawn from further consideration. Applicants' remarks relating to the pending claims and the outstanding Action are set forth below.

Initially, applicants have made several amendments to the specification in order to correct manifest typographical errors therein. Entry of these amendments is respectfully requested. No new matter has been added.

In the Action, the Examiner rejected claims 1-6, 8, 10-14, 17, 18, 35-44, and 46-50¹ under 35 U.S.C. § 102(e) as being unpatentable over International Application No. PCT/US00/15259 to Logan *et al.* ("*Logan*"); claim 45 under 35 U.S.C. § 103(a) as being obvious over *Logan* in view of U.S. Publication No. 2004/0093077 to White ("*White*"); and claims 19-20 under 35 U.S.C. § 103(a) as being obvious over *Logan* in view of U.S. Patent No. 6,273,912 to Scholz *et al.* ("*Scholz*"). In light of the clarifying amendments to independent claim 1 and the remarks set forth below, applicants respectfully traverse the Examiner's rejections.

Independent claim 1 has been amended to more clearly recite two configurations of the body of the connector assembly with respect to the longitudinal axis thereof. In a constrained condition, the distal portion of the body has a first configuration and the proximal portion of the body has a first configuration in which the plurality of annularly spaced body fingers extend substantially parallel to the longitudinal axis.

¹ While the Examiner specifies claims "1-6, 8, 10-14, 17, 18, 3 and 46-50" in the Action, Applicants take from the Examiner's remarks in the Action that the actual claims rejected are 1-6, 8, 10-14, 17, 18, 35-44, and 46-50.

In an expanded condition, the distal portion has the same first configuration and the proximal portion has a second configuration in which the annularly spaced body fingers extend generally radially outward from the longitudinal axis. These amendments thus make clear that the distal portion of the body maintains its configuration between the two conditions, while the annularly spaced body fingers of the proximal portion expand in a generally radially outward manner when the body is moved from the constrained condition to the expanded condition. Support for these amendments can be found throughout the specification, and in particular, in paragraph [0109].

Logan, on the other hand, teaches a connector apparatus 200 that includes proximal and distal portions that both expand radially outward when the connector is moved to an expanded condition. *Logan* states that both internal fingers 204 and external fingers 206 engage a respective internal and external wall of the existing tubular body conduit. (See *Logan* p.16 ll. 14-34.) This passage and FIGS. 2-4 teach a connector apparatus 200 in which both the proximal and distal portions expand radially outwardly with respect to its longitudinal axis. Indeed, if either portion did not expand as such, the connector would not properly grasp the tubular body conduit, and would not work for its intended purpose. As independent claim 1 of the present application has been amended to more clearly recite that the distal portion of the body maintains the same configuration between the specified conditions, applicants respectfully submit that the present amendments distinguish over *Logan*, and therefore overcome the outstanding rejection of independent claim 1.

Applicants further submit new independent claim 62, which is similar to the previously pending independent claim 1 and recites that "the annular portion is continuous in a plane orthogonal to the longitudinal axis." Without acquiescing to

the Examiner's position regarding whether *Logan* actually teaches an annular element, it is clear from FIGS. 2 and 3 of *Logan* that element 208 is not continuous in a plane normal to the longitudinal axis of the connector. In fact, *Logan* clearly states:

Medial portion 208 defines a discontinuous, substantially circular enclosure 210 defining a nominal diameter 212. The flexible nature of the nitinol material and the discontinuity of medial portion 208 permits connector to expand and contract with respect to diameter 212.

(*Logan* p.15 ll.20-25.) This passage teaches that the annular portion is not continuous in a plane as recited by independent claim 62. Furthermore, this passage teaches away from applicants' present amendment to independent claim 1 in that it essentially teaches that every portion of the connector is expandable and contractible. Accordingly, applicants respectfully submit that newly presented independent claim 62 is distinguished over *Logan*.

In view of the foregoing, applicants submit that independent claim 1, as amended, and independent claim 62 patentably distinguish over *Logan*. Plainly, neither *White* nor *Scholz* overcomes the deficiencies of *Logan* noted above. Accordingly, allowance of claims 1 and 62 is respectfully requested.

Given that claims 2-6, 8, 10-20, and 35-50 properly depend from independent claim 1, such claims are also believed to be allowable. Nevertheless, it is also noted that such claims are believed to include additional patentable subject matter beyond that found solely in independent claim 1. Applicants note that the Examiner has indicated that the subject matter of dependent claims 15 and 16 is allowable. Applicants further note that the amendments to the dependent claims are

made solely for the purposes of clarity and uniformity. Accordingly, applicants also respectfully request allowance of claims 2-6, 8, 10-20 and 35-50.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,
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